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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,267	01/23/2004	Ross Armstrong	720004.535	6180
500	7590	06/01/2006	EXAMINER	
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC 701 FIFTH AVE SUITE 6300 SEATTLE, WA 98104-7092			TAWFIK, SAMEH	
			ART UNIT	PAPER NUMBER
			3721	

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/764,267	<b>Applicant(s)</b> ARMSTRONG ET AL.	
	<b>Examiner</b> Sameh H. Tawfik	<b>Art Unit</b> 3721	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 March 2006.  
 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 19-29 is/are pending in the application.  
     4a) Of the above claim(s) 28 and 29 is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 19-27 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election without traverse of Group I (claims 19-27) in the reply filed on 03/31/2006 is acknowledged.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 19-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 19 recites the limitation "the rollers" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 23 recites the limitation "the respective centerline of the rollers" in line 2. There is insufficient antecedent basis for this limitation in the claim.

In claim 19, line 4 "a second member movably coupled to the first member" and in lines 5 and 6 "the first member is movable relative to the second member" is confuse and not clear as to which member is moving; is it the first or the second member?; etc.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

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international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 19-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Helland et al.

(U.S. Patent No. 6,415,712).

Helland discloses a strap guiding assembly for use on a strapping machine to guide a strap into an accumulator, the assembly comprising: a first member (Figs. 10-12); a second member movably coupled to the first member (Figs. 10-12), the second member having a curved surface aligned with an entrance for receiving the strap (via the curved section 376), wherein the first member is movable relative to the second member between a first configuration in which the strap is constrained between the curved surface and the rollers, and a second configuration in which the strap is unconstrained and free to move into the accumulator (column 10, lines 46-63); and a plurality of rollers rotationally coupled to the first member, the rollers configured to follow a path complementary to at least a portion of the curved surface (Figs. 10-12 and column 10, lines 46-63).

Regarding claim 20: wherein the curved surface is convex and oriented toward the accumulator to give the strap an initial curvature when the assembly is in the first configuration such that the strap will tend to move into the accumulator when the assembly moves into the second configuration (Figs. 10-12).

Regarding claim 21: wherein the second member moves toward the first member when the assembly moves into the first configuration, and moves away from the first member when the assembly moves into the second configuration, see for example (Figs. 10-12 and column 10, lines 46-63).

Regarding claim 22: further comprising an actuation mechanism to selectively move the assembly between the first and second configurations (Figs. 2, 3, 10, and 11).

Regarding claim 23: wherein a curve intersecting the respective centerline of the rollers is substantially similar to at least a portion of the curved surface of the second member, see for example (Figs. 10 and 11).

Regarding claim 24: a strap guiding assembly to guide a strap, the assembly comprising a first member; a plurality of rollers rotationally mounted to the first member (Figs. 10 and 11; via rollers 352 and 362), a second member having a curved surface (via 376); and an actuation mechanism to translationally move the first member into one of a first position or a second position, the first position wherein the first member is in close proximity to the second member to allow the plurality of rollers to cooperate with the curved surface of the second member to forcibly guide the strap along at least a portion of the curved surface, the second position wherein the first member is spaced apart from the second member, see for example (Figs. 3, 7, and 10-12; column 10, lines 46-63).

Regarding claim 25: wherein the first member is biasly coupled to the second member, see for example (Figs. 10 and 11).

Regarding claim 26: a strap guiding assembly to guide a strap, the assembly comprising; a first member; a plurality of rollers rotationally mounted to the first member; a second member having a curved surface, and an actuation mechanism to move the first member into one of a first position or a second position, the first position wherein a guide channel is located between the plurality of rollers and the curved surface of the second member to forcibly guide the strap along at least a portion of the curved surface, the second position wherein the first member is spaced

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apart from the second member to eliminate the guide channel, see for example (Figs. 2, 3, 7, 10-12 and column 10, lines 46-63).

Regarding claim 27: a strap guiding assembly comprising: surface means having a curved portion; roller means cooperating with the surface means to guide a strap along the curved portion of the surface means; and actuation means for moving the roller means apart from the surface means to allow the strap to move away from the curved portion of the surface means and into an accumulator, see for example (Figs. 2, 3, 7, 10-12 and column 10, lines 46-63).

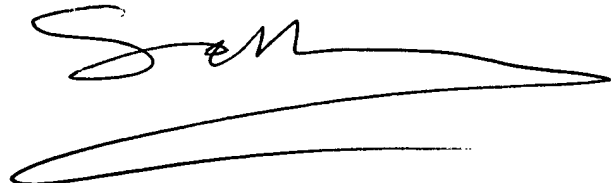
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is 571-272-4470. The examiner can normally be reached on Tuesday - Friday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sameh H. Tawfik  
Patent Examiner  
Art Unit 3721

A handwritten signature in black ink, appearing to read 'Sameh', followed by a long, horizontal, slightly wavy line that extends to the right.

ST.